

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

-----x
HAYDEN JACK,

Plaintiff,

-against-

**BETH ISRAEL MEDICAL CENTER
and ERIC PHOA,**

Defendants.
-----x

04 CV 0551 (NG) (KAM)

ORDER

GERSHON, United States District Judge:

By order dated April 20, 2005, plaintiff was directed to advise the court by May 6, 2005 whether he wished to proceed with this action. The court's order was served on plaintiff on April 27, 2005 by regular mail with delivery confirmation. To date, plaintiff has not contacted the court. As a result, this action is hereby dismissed for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b) and the court's inherent power.

SO ORDERED.

/S/

NINA GERSHON
United States District Judge

Dated: Brooklyn, New York
May 16, 2005